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Brian Pineda, Sergio Palacios, and Clayton Stelter
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11 UNITED STATES DISTRICT COURT
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13 CENTRAL DISTRICT OF CALIFORNIA

14 KORRELL SANTANA COLE,
15 Plaintiff,
16 vs.
17 LOS ANGELES COUNTY, et al.,
18 Defendants.
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22 Case No. 2:23-cv-10392-SB-PD
23 Honorable Stanley Blumenfeld, Jr.
24

25 **DECLARATION OF PAUL B.
26 BEACH IN SUPPORT OF
DEFENDANTS' *EX PARTE*
APPLICATION FOR ORDER
MODIFYING CASE
MANAGEMENT ORDER**

27
28 [Ex Parte Application, Declaration of
Shawyane Emadi, and [Proposed]
Order lodged concurrently herewith]

DECLARATION OF PAUL B. BEACH

I, Paul B. Beach, declare as follows:

4 1. I am an attorney at law, duly authorized to practice before this Court
5 and I am the managing shareholder of the law firm Lawrence Beach Allen & Choi,
6 PC, attorneys of record for Defendants Sheriff Robert Luna, Andrew Palencia,
7 Brian Pineda, Sergio Palacios, and Clayton Stelter (collectively, “Defendants”) in
8 the above-entitled action. I have personal knowledge of the facts stated herein,
9 except those stated upon information and belief as to those matters, I believe them
10 to be true. If called to testify to the matters herein, I could and would competently
11 do so.

12 2. I submit this declaration in support of Defendants' contemporaneously-
13 filed EX PARTE APPLICATION FOR ORDER MODIFYING CASE
14 MANAGEMENT ORDER (the "Application").

15 3. Defendants served timely Rule 26 discovery disclosures upon Plaintiff,
16 and in September 2024 also propounded full sets of written discovery upon
17 Plaintiff.

18 4. On October 8, 2024, Defendants served a Notice of Deposition on
19 Plaintiff's counsel setting Plaintiff's remote in-custody deposition for October 30,
20 2024, a true and correct copy of which is attached hereto as Exhibit A. Counsel for
21 Plaintiff recently advised me that he would not agree to produce Plaintiff as noticed.

22 5. Also, instead of properly responding to Defendants' written discovery,
23 on October 16, 2024, Plaintiff's counsel served a two-page omnibus response
24 (objections only) to Defendants' Interrogatories, Requests for Production of
25 Documents, and Requests for Admissions (Set #1), a true and correct copy of which
26 is attached hereto as Exhibit B. No substantive responses were provided.

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1 6. On October 22, 2024, Defendants served a meet and confer letter to
2 Plaintiff's counsel regarding Plaintiff's deficient responses to Defendants'
3 Interrogatories, Requests for Production of Documents, and Requests for
4 Admissions (Set #1) and requesting an in person meeting to confer further.
5 Attached hereto as Exhibit C is a true and correct copy of Defendants' October 22,
6 2024 meet and confer letter. Plaintiff's counsel never appeared for the meeting as
7 requested and to date has not responded to Defendants' meet and confer efforts.

8 7. On October 25, 2024, Defendants served a First Amended Notice of
9 Deposition on Plaintiff's counsel, setting Plaintiff's remote in-custody deposition
10 for November 13, 2024, a true and correct copy of which is attached hereto as
11 Exhibit D.

12 8. On October 28, 2024, Plaintiff's counsel served objections to
13 Defendants' Notice of Deposition of Plaintiff, a true and correct copy of which is
14 attached hereto as Exhibit E.

15 9. On November 1, 2024, Plaintiff's counsel served objections to
16 Defendants' Second Notice of Deposition of Plaintiff, a true and correct copy of
17 which is attached hereto as Exhibit F.

18 10. On November 1, 2024, Defendants requested an IDC before Magistrate
19 Judge Patricia Donahue regarding Plaintiff's deficient responses to Defendants'
20 written discovery and Plaintiff's in custody deposition. Today, the Court set the
21 IDC for November 8, 2024. Attached hereto as Exhibit G, is a true and correct
22 copy of Defendants' Request for an IDC.

23 11. On November 1, 2024, in order to compel Plaintiff's appearance at his
24 deposition and compliance with his written discovery obligations, I sent counsel for
25 Plaintiff further correspondence. A true and correct copy of which is attached
26 hereto as Exhibit H.

27 12. In the meantime, Plaintiff's Second Amended Complaint (filed after
28 two successful motions by Defendants) was only served on Friday of last week.

1 Thus, under the current schedule, Defendants must prepare their summary judgment
2 papers before they have Plaintiff's deposition, any written discovery responses from
3 Plaintiff, and before the sufficiency of the pleadings are determined.

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5 I declare under penalty of perjury under the laws of the State of California
6 that the foregoing is true and correct.

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8 Executed on November 5, 2024 at Pasadena, California

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10 /s/ Paul B. Beach
11 Paul B. Beach

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